IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Bail Appl..No. 6957 of 2007()

CC.360/2005 of J.M.F.C.,ALATHUR

.....

: PETITIONER

NAZAR V.K., S/O.KUTHABDEEN,
CHETTITHARAKADU HOUSE, MOOLAMKODU P.O.,
NOW NEAR GANAPATHY KOVIL STREET,
GRAMAM ROAD, VADAKKANCHERRY.

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE
C.I. OF POLICE, VADAKKANCHERRY THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6957 of 2007

Dated this the 14th day of November 2007

O R D E R

Application for anticipatory bail. The petitioner faces indictment in a prosecution for the offences punishable under 'The Indecent Representation of Women Prohibition Act, 1986'. The petitioner was enlarged on bail at the crime stage. Later, after completion of investigation, final report was filed. The petitioner did not thereafter appear before the learned Magistrate. Consequently, a warrant of arrest issued by the learned Magistrate is chasing the petitioner.

2. According to the petitioner, he is absolutely innocent. After the final report was filed, he has not been served with any notice. The petitioner is employed abroad and he did not know about the initiation of proceedings against him. The petitioner is willing to surrender before the learned Magistrate and seek regular bail. But he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He, therefore, prays that directions under Section 482 Cr.P.C. may be issued to the learned Magistrate to release the petitioner on bail when he appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate, the circumstances under which he could not earlier appear before the learned Magistrate. I find absolutely no reason to assume that the learned Magistrate would not consider the application for bail to be filed by the petitioner on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific directions appear to be necessary. Sufficient general directions have been issued in Alice George vs. Deputy Superintendent of Police [2003(1)KLT 339].

4. In the result, this bail application is dismissed but with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007